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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,203	05/22/2006	Johan K. Fremerey	26202.460	9283
28410	7590	10/17/2007	EXAMINER	
BERENATO, WHITE & STAVISH, LLC			MUSLEH, MOHAMAD A	
6550 ROCK SPRING DRIVE			ART UNIT	PAPER NUMBER
SUITE 240			2832	
BETHESDA, MD 20817				
MAIL DATE		DELIVERY MODE		
10/17/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,203	FREMEREY, JOHAN K.	
	Examiner	Art Unit	
	Mohamad A. Musleh	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 January 2006 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/21/2006.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

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DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: the specification does not meet the requirements of 37 CFR 1.77(b), see the illustration below.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) **TITLE OF THE INVENTION.**
- (b) **CROSS-REFERENCE TO RELATED APPLICATIONS.**
- (c) **STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.**
- (d) **THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.**
- (e) **INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.**
- (f) **BACKGROUND OF THE INVENTION.**
 - (1) *Field of the Invention.*
 - (2) *Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.*
- (g) **BRIEF SUMMARY OF THE INVENTION.**
- (h) **BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING (S).**
- (i) **DETAILED DESCRIPTION OF THE INVENTION.**
- (j) **CLAIM OR CLAIMS (commencing on a separate sheet).**
- (k) **ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).**
- (l) **SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).**

Appropriate correction is required.

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Claim Objections

1. ***Claims 6 and 7 are objected to because of the following informalities: claims 6 and 7 are missing the claim's status such as original or currently amended in the response filed on 01/20/2006.***

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country, in public use, or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. ***Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Max Baermann US 2,747,944 A [hereinafter Max].***
3. ***Regarding claim 1, at [figs. 1-3] Max teaches a magnetic bearing element [fig. 1] having at least one annular permanent magnet [3, 4] that is surrounded by an annular binding band [4a], wherein the permanent magnet [3, 4] is divided at least one location [as seen in figs. 1-3 magnets 3, 4 are divided and they have a space in between] and spaced apart there.***
4. ***Regarding claims 2-6, at [figs. 1-3] Max teaches that the location [as seen in figs. 1-3 magnets 3, 4 are divided and they have a space in between] is embodied as a radially extending slit [fig. 3], and the permanent magnet [3, 4] is divided and spaced apart at multiple locations [three concentrical, annular, permanent magnets 20, 21 and 22, fig. 3]. Wherein the locations are distributed regularly over the periphery of the permanent magnet, and wherein the bearing***

element comprises multiple permanent magnets arranged concentrically with one another [three concentrical, annular, permanent magnets 20, 21 and 22, fig. 3], all of which are divided at least one location and spaced apart there. The locations at which the permanent magnets are divided and there spaced apart are offset from one another in the circumferential direction [three concentrical, annular, permanent magnets 20, 21 and 22 with a space in between, fig. 3].

Claim Rejections - 35 USC § 103

5. *The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:*

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. *Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Max as applied to claim 1 above, and further in view of Koenig US 6,250,577 B1 [hereinafter Koenig].*

7. *Regarding Claim 7, Max discloses the claimed invention except for that the annular binding band is made from a carbon-fiber material. Koenig teaches that it is known to have a carbon-fiber material as set forth at [col. 2, lines 30-37]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the carbon-fiber material in Max's bearing as taught by Koenig in order to provide a bearing surface on the bearing cylinder.*

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the notice of references cited (PTO-892).

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*Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mohamad A. Musleh** whose telephone number is (571) 272-9086. The examiner can normally be reached on M-F (7:30-5:00 Est. Time) 1st Friday Off.*

*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Elvin G. Enad** can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.*

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.*

*Mohamad A Musleh
Examiner, Art Unit 2832*

MM



ELVIN ENAD
SUPERVISORY PATENT EXAMINER
120-0707